

<p>DISTRICT COURT, WATER DIVISION 6, STATE OF COLORADO</p> <p>Routt County Justice Center 1955 Shield Drive, Suite 200 Steamboat Springs, CO 80487 (970) 879-5020</p>	<p>DATE FILED: December 29, 2017 9:25 AM FILING ID: 3F849D3E69E70 CASE NUMBER: 2017CW3045</p>
<p>CONCERNING THE APPLICATION FOR WATER RIGHTS OF:</p>	
<p>TERRACARTA ENERGY RESOURCES, LLC,</p>	
<p>in the South Fork of the White River,</p>	
<p>in Rio Blanco County, Colorado.</p>	
<p>▲ COURT USE ONLY ▲</p>	
<p>Case Number: 17CW_____</p>	
<p>APPLICATION FOR CHANGE OF WATER RIGHT</p>	

(1) *Name and mailing address of Applicant:*

TerraCarta Energy Resources, LLC
106 E. Liberty Drive
Wheaton, IL 60187

With copies to:

Jefferson V. Houpt
Ryan M. Jarvis
Beattie, Chadwick & Houpt, LLP
932 Cooper Avenue
Glenwood Springs, CO 81601
jhoupt@bch-law.com
rjarvis@bch-law.com
(970) 945-8659

(2) *Decreed water right for which change is sought:*

- A. *Name of structure: South Fork Reservoir.*
- B. *Original decree:* Civil Action No. 1269, entered on November 21, 1966, by the Rio Blanco County District Court.
- C. *Subsequent decrees awarded findings of diligence:* Case Nos. 80CW220, 84CW174, 88CW158, 95CW253 and 02CW296, by the District Court in and for Water Division 5; and Case No. 10CW29, by the District Court in and for Water Division 6.
- D. *Legal description as described in the decree entered in Case No. 10CW29:* The reservoir is to be located in Sections 21, 22, 23, 24, 25, 26, 27 and 28, Township 2 South, Range 90 West of the 6th P.M. The initial point of survey of the high water line of the South Fork Reservoir is located at the intersection of the dam axis with the stream channel of the South Fork of the White River, which is described as a point whence the Northeast Corner of Section 28, Township 2 South, Range 90 West of the 6th P.M. bears North 50E31' East a distance of 4,382 feet, which is approximately 2,484 feet north of the South Section line and 3,303 feet west of the East section line of said section. This point is depicted on the location map attached hereto as **Exhibit A**.
- E. *Decreed source of water:* South Fork of the White River, tributary to the White River.
- F. *Appropriation date:* September 14, 1964.
- G. *Total amount decreed to structure:* 85,342.4 acre feet, conditional.
- H. *Decreed uses:* Industrial, domestic, recreational and irrigation.
- I. *Amount of water that Applicant intends to change:* 85,342.4 acre feet, conditional.

(3) *Statement of proposed change:* Applicant seeks to change the location of storage of the entire South Fork Reservoir water right described above to three alternative reservoir sites. All or a majority of the water will be stored in one of two alternative reservoirs: South Fork Reservoir No. 1 is a proposed reservoir located on the channel of Wolf Creek, a tributary of the White River, as described in subparagraph 3.A. below, which would be filled by pumping water from the White River into the reservoir via South Fork Reservoir No. 1 Pump and Pipeline and by capturing the natural inflow from Divide Creek, Wolf Creek, Middle Fork Wolf Creek, East Fork Wolf Creek, and Coal Creek, all tributary to the White River. South Fork Reservoir No. 2 is a proposed reservoir located on the channel of the White River as described in subparagraph 3.B. below. South Fork Reservoir No. 1 and

South Fork Reservoir No. 2 are each capable of storing the entire 85,342.4 acre feet decreed to this water storage right. Applicant does not intend to construct both reservoirs; rather, Applicant intends to use one of these two alternative sites as the location of storage for up to the entire 85,342.4 acre feet currently decreed to the South Fork Reservoir water storage right. (South Fork Reservoir No. 1 and South Fork Reservoir No. 2 are the same as the Wolf Creek Off-Channel Dam and Reservoir and Wolf Creek Mainstem Dam and Reservoir, which are the subject of the application filed by the Rio Blanco Water Conservancy District in Case No. 14CW3043, Water Division 6). Applicant also intends to construct an additional reservoir on the channel of Yellow Creek (known as Bar D Reservoir), as described in subparagraph 3.C. below, that will store up to 6,500 acre feet of the water currently decreed to the South Fork Reservoir. Water to fill Bar D Reservoir No. 1 may be diverted directly from the White River at a point described in subparagraph 3.C. below, or may be initially stored in South Fork Reservoir No. 1 or South Fork Reservoir No. 2 and later delivered via pipeline to Bar D Reservoir.

a. *Description of South Fork Reservoir No. 1:*

(1) *Location:* The left abutment (looking downstream) of the South Fork Reservoir No. 1 Dam is located in the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 23, Township 3 North, Range 99 West of the 6th P.M., at a point 1,007 feet east of the west section line of Section 23 and 1,450 feet north of the south section line of Section 23, in Rio Blanco County, Colorado. This point is depicted on the location maps attached hereto as **Exhibits A and B**.

(2) *Sources:* White River, via the South Fork Reservoir No. 1 Pump and Pipeline as described below and natural inflow from Divide Creek, Wolf Creek, Middle Fork Wolf Creek, East Fork Wolf Creek, and Coal Creek, all tributary to the White River.

(3) *Dimensions:*

- a. *Surface area of high water line:* 3,106 acres.
- b. *Vertical height of dam in feet:* 122 feet.
- c. *Length of dam in feet:* 3,300 feet.
- d. *Total capacity of reservoir:* 85,342.4 acre feet.
- e. *Active capacity:* 85,342.4 acre feet.
- f. *Dead storage:* None.

(4) *Structure used to fill reservoir:* South Fork Reservoir No. 1 Pump and Pipeline.

- a. *Location:* The diversion point from the White River for the South Fork Reservoir No. 1 is located in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 3 North, Range 99 West of the 6th P.M., at a point 480 feet west of the east section line of Section 27 and 2,620 feet north of the south section line of Section 27, in Rio Blanco County, Colorado. This point is depicted on the location maps attached hereto as **Exhibits A and B**.
- b. *Capacity:* 400 c.f.s.
- c. *Maximum rate of diversion:* 400 c.f.s.

- b. *Description of South Fork Reservoir No. 2:*
 - (1) *Location:* The left abutment (looking downstream) of the dam of South Fork Reservoir No. 2 is located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 34, Township 3 North, Range 99 West of the 6th P.M., at a point 390 feet east of the west section line of Section 34 and 3,730 feet north of the south section line of Section 34, in Rio Blanco County, Colorado. This point is depicted on the location map attached hereto as **Exhibits A and B**.
 - (2) *Source:* White River.
 - (3) *Dimensions:*
 - a. *Surface area of high water line:* 4,801 acres.
 - b. *Vertical height of dam in feet:* 126 feet.
 - c. *Length of dam in feet:* 2,500 feet.
 - d. *Total capacity of reservoir:* 85,342.4 acre feet.
 - e. *Active capacity:* 85,342.4 acre feet.
 - f. *Dead storage:* None.

(2) *Source:* White River, via Bar D Reservoir Pump and Pipeline.

(3) *Dimensions:*

- a. *Surface area of high water line:* Approximately 290 acres.
- b. *Vertical height of dam in feet:* Approximately 80 feet.
- c. *Length of dam in feet:* 1,120 feet.
- d. *Total capacity of reservoir:* 6,500 acre feet.
- e. *Active capacity:* 6,500 acre feet.
- f. *Dead storage:* None.

(4) *Structure used to fill reservoir:* Bar D Reservoir Pump and Pipeline.

- a. *Location:* The diversion point from the White River for the Bar D Reservoir is located in the NE^{1/4} of the NW^{1/4} of Section 2, Township 2 North, Range 98 West of the 6th P.M., at a point 1,355 feet east of the west section line of Section 2 and 1,152 feet south of the north section line of Section 2, in Rio Blanco County, Colorado. The location of Bar D Reservoir Pump and Pipeline is depicted on the location maps attached hereto as **Exhibits A and B**.
- b. *Capacity:* 70 c.f.s.
- c. *Maximum rate of diversion:* 70 c.f.s.

(4) *Owners of the land upon which the structures are or will be located:*

Bureau of Land Management
220 Market Street
Meeker, CO 81641

State of Colorado
(Moffat County Assessor's records include no address)

Carroll Davidson Partnership, Ltd.
PO Box 561498
Rockledge, FL 32956-1498

William G. Goosman

783 Road 12
Powell, WY 82435

The Martz Family Trust
c/o Bruce E. and Minerva E. Martz, Trustees
14972 South Austin Road
Manteca, CA 95336

Frank M. Thompson
Oscar Lyman Thompson
13558 Northshire Road NW
Seattle, WA 98177

4M Ranch, LLC
Attn: Ranch Manager
37669 Highway 64
Meeker, CO 81641

4M Ranch, LLC
1860 Summerland Ave.
Winterpark, FL 32789

Rio Blanco Water Conservancy District
2252 E. Main Street
Rangely, CO 81648

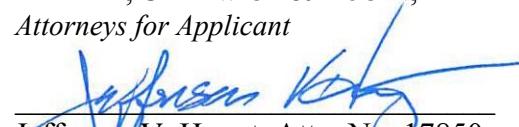
Lenora M. Smuts
3299 Highway 64
Rangely, CO 81648

TC Landco, LLC
106 East Liberty Drive
Wheaton, IL 60187

WHEREFORE, Applicant requests entry of a decree approving the changes to water rights described herein, and awarding such other relief as the court may deem appropriate.

Respectfully submitted this 29th day of December, 2017.

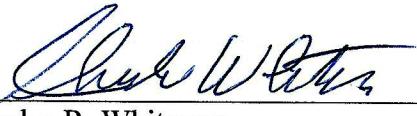
BEATTIE, CHADWICK & HOUPt, LLP
Attorneys for Applicant


Jefferson V. Houpt, Atty. No. 17850
Ryan M. Jarvis, Atty. No. 43981

VERIFICATION

I, Charles R. Whiteman, Manager of TerraCarta Energy Resources, LLC, state under oath that I have read this Application for Change of Water Rights and that its contents are true and accurate to the best of my knowledge.

TerraCarta Energy Resources, LLC:

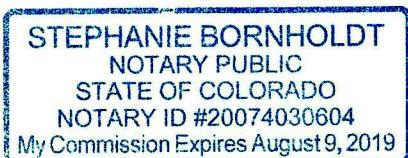
By: 
Charles R. Whiteman

STATE OF COLORADO)
)
) ss.
COUNTY OF GARFIELD)

The foregoing instrument was acknowledged before me this 28th day of December 2017, by Charles R. Whiteman, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me.

WITNESS my hand and official seal.

My Commission Expires: 8-9-19.




NOTARY PUBLIC

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